E.B. EAMES CO., INC. Flooring Contractor

P.O. Box 18

Logan, UT 84323-0018 Phone/Fax: 435-752-0449

#### Request for Information

Date: Monday-July 26, 2010
From: Brady Earnes-Secretary
To: National Labor Relations Board

Attn: All Members Fax #: 202-273-4270

Re: 19-RM-2245, 20-RM-2869, 21-RM-2675, 27-RM-683 and 28-RM-617

cc: Regions 19, 20, 21, 27 and 28.

U.S. Senate H.F.I.P U.S. Senator Hatch-UT

U.S. House Committee on Education & the Workforce

Documents attached: 3

#### Dear Members.

Has not the U.S. Supreme Court issued an Opinion that vacated each and every Decision and Order issued by Liebman and Schaumber from January 8, 2008 until June 17, 2010? Please explain why the Board is now mandating that motions to vacate have to be filed.

In the attached 3-page correspondence from Richard Hardick transmitted to me today, it appears that those who have fallen victim to the lawbreaking and unfair conduct of Chairwoman Liebman and Member Schaumber will not be put on direct notice by the NLRB of their rights to appeal that their Cases be re-reviewed by a new Board group and that new decisions and orders be re-issued by such a group until and unless such victims discover on their own that the U.S. Supreme Court has determined Liebman and Schaumber collectively violated the NLRA by issuing Decisions and Orders as a two (2) Member Quorum since January 1, 2008. In other words, is the Federal Government not going to obey the law until and unless they are directed to do so by the "proper filing" of a vacate motion by the victims of the fraud perpetrated by Liebman and Schaumber? By the way, does a statute of limitations apply to such a filing?

Considering that the NLRB has never before broken the law in such an egregious manner and that doing so certainly could not have been foreseen. I presume that the NLRB has never prepared and published rules and regulations which would govern remedial actions by the Board if the Board should illegally issues decisions and orders. Pursuant to your correspondence, it appears that the Board has never intended, and does not intend, to prepare and publicize such rules and regulations.

I filed my motion on July 2, 2010 and did not receive any response from any Office of the NLRB until July 19, 2010. With respect to the response I did receive from Linda Allen, she never mentioned a deadline. In the Dismissals of the RM Petitions issued to E.B. Eames Co., Inc. (Eames) by Liebman, Schaumber, Regions 19, 20, 21, 27 and 28, there is no mention of what rights are entitled to be exercised, and what appeals are required to be filed, by Eames if it were to be brought to the attention of Eames that Liebman and Schaumber broke the law of the NLRA and thereby invalidated any decisions and orders issued to Eames. Lo and behold, Leibman and Schaumber have violated the NLRA.

I consider the correspondence of Richard D. Hardick to be non-

responsive.

Grady Fames

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# NATIONAL LABOR RELATIONS BOARD



### OFFICE OF THE EXECUTIVE SECRETARY FACSIMILE TRANSMITTAL SHEET

TO;	FROM:		
Brady Enmes	Richard D. Hardick, Assoc. Exec. Secretary		
Daniel M. Shanley, Esq. Region 19 Atm: Richard L. Aheam, RD Carpenters 46, Northern California Region 20 Atm: Joseph P. Norelli, RD			
		Kathleen M. Jorgunson, Esq.	
		Region 21 Attn: James F. Small, RD	
		Joseph W. Moreland, Esq.	
Region 27 Attn: Michael W. Josserand, RD			
Region 28 Atm: Cornele A Overstreet, RD			
COMPANY:	DATE:		
E.B. Earnes Co., Inc.	7/26/2010		
Cases 19-RM-2245			
20-RM-2869			
21-RM-2675			
27-RM-683			
28-RM-617			
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER: 2		
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213/488-4180			
206/220-6305			
510/430-8431			
415/356-5156			
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- 303/844-6249 600/649 0170			
602/640-2178	AND AND ALL AND A LANGE OF THE PROPERTY.		
PHONE NUMBER:	OPERATORS NAME/NUMBER: Linda M. Allen 202/273-1952		
RE:	ALL CONFIRMATIONS:BLANK		

1099 14TH STREET N.W. WASHINGTON, D.C. 20570 TELEPHONE (202) 273-1067

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United States Government



# NATIONAL LABOR RELATIONS BOARD 1099 14<sup>th</sup> STREET NW WASHINGTON DC 20570

July 26, 2010

Re: <u>E.B. Fames Co., Inc.</u> Cases 19-RM 2245, 20-RM-2869, 21-RM-2675, 27-RM-683 and 28-RM-617

Mr. Brady Earnes P.O. Box 18 Logan, Utah 84323-0018

Dear Mr. Eames:

This is in response to your July 2, 2010 letter, postmarked July 14 and received July 19, asking the Board to declare void the earlier orders by Chairman Liebman and Member Schaumber in the subject cases. This is also in response to your July 23, 2010 letter requesting the current rules, regulations and instructions with regard to the Board's handling of the two-member decisions which the Supreme Court in New Process Steel v. NLRB, 177 L. Ed. 2d 162 (U.S. 2010), decided it was not authorized to issue when three of the five seats were vacant.

With respect to your July 23 request, the Board in a July 1 Press Release announced that it was seeking remand of all two-member decisions that are pending before federal courts and that such remanded cases would be considered by a three-member panel. It has not announced procedures for other two-member cases. In many other cases the parties consider the matter closed and have not sought any further action by the Board. Others, like you, have filed motions to vacate. The Board will consider such motions upon proper filing.

In that regard, your July 2 request has not been properly filed because such requests, and all filings with the Board, must be served on the other parties in the case, and you have not provided a certification that the other parties in your cases have been served with your July 2 request. It is my understanding that a representative of the Executive Secretary's Office, on July 19, 2010, requested that you provide this certificate of service. To date, this office has not received any indication from you that this requested service has been achieved. This is to advise that if you do not serve the

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Mr. Brady Earnes
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other parties with your request and provide a certification to the Board that you have done so by August 2, 2010, your July 2 request will be rejected.

Very truly yours,

Richard D. Hardick

**Associate Executive Secretary** 

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